



## PLANNING COMMISSION MEETING STAFF REPORT FEBRUARY 9, 2006

<b>Project:</b>	ALSION MONTESSORI- (PLN2005-00184)
<b>Proposal:</b>	To consider a Conditional Use Permit for the conversion of a 3,810 square foot single-family residence into a Montessori secondary school for 40 students.
<b>Recommendation:</b>	Approve, based on findings and subject to conditions
<b>Location:</b>	750 Witherly Lane in the Mission San Jose Planning Area. APN 513-0363-015-01 (See aerial photo next page)
<b>Area:</b>	3,810 square foot existing building on a 1.5-acre lot
<b>People:</b>	Michael Leahy, Applicant John Barton, Architect Alsion Montessori Foundation, Michael Leahy, Owner Scott Ruhland, Staff Planner (510) 494-4453; sruhland@ci.fremont.ca.us
<b>Environmental Review:</b>	This project is categorically exempt from CEQA per Section 15332, In-Fill Development Projects.
<b>General Plan:</b>	Low Density Residential, 2-3.5 units per acre
<b>Zoning:</b>	Single Family Residential, Hillside Combining District, R-1-20 (H-I)

### **EXECUTIVE SUMMARY:**

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The proposed project is a request for a conditional use permit to convert an existing 3,800 square foot single-family residence into a Montessori secondary school with a maximum attendance of 40 students. The age range of students will be 12-15 years old. The school will operate Monday through Friday, 9 am to 5 pm, with doors open from 7:30 am to 6 pm. Students will arrive at school by a private bus operated by the school. In an effort to reduce traffic impacts, the applicant has proposed that students will arrive at Montessori School of Fremont located at 155 Washington, and then be transported to 750 Witherly Lane. The applicant anticipates four total bus runs, two in the morning for drop-off and two in the afternoon for pick-up. The school location is close to Ohlone College, which is partnering with the Alsion Montessori School on a program where future students would take enrichment classes at Ohlone. A sports court is located on the property for the use of Montessori students.



Figure 1: Aerial Photo (2002) of Project Site and Surrounding Area.



**SURROUNDING LAND USES:**

North:	Single Family Residential
South:	Ohlone College
East:	Hill Area Open Space
West:	Single Family Residential

## **BACKGROUND AND PREVIOUS ACTIONS:**

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No previous entitlements have been requested for this site. The single-family house was constructed in approximately 1956 and has since been occupied as a single-family residence.

## **PROJECT DESCRIPTION:**

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The proposed project is a request for a Conditional Use Permit to convert a 3,810 square foot single family residence into a Montessori secondary school for a maximum of 40 students, ages 12-15. The applicant proposes to have parents drop-off and pick-up students at the Montessori School of Fremont campus located at 155 Washington Boulevard, which has an existing pick-up/drop-off area. A school bus shuttle would then transport students from the Montessori School of Fremont campus to this campus at 750 Witherly Lane. Two morning runs and two afternoon runs are proposed. Proposed hours of operation for the school are Mondays through Fridays, 7:30 am and close at 6:00 pm. Instruction would occur between the hours of 9:00 am to 5:00 pm. The Conditional Use Permit will limit activity at the school from the hours of 7:00 am to 6:00 pm, Monday through Friday. No activity would occur on the weekends(Condition A-2). Parent/teacher conferences will take place at the 155 Washington Boulevard Campus.

The applicant is proposing interior improvements to the residence to accommodate the classrooms, kitchen, crafts area and storage. The existing house also has a basement, however, the basement is not proposed to be used as part of the school. Minimal exterior improvements are proposed. The applicant has previously requested, received approval and constructed a sports court for the property. However, the current intention of the sports court is for recess activities by the students.

## **PROJECT ANALYSIS:**

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### ***General Plan Conformance:***

The existing General Plan land use designation for the project site is Low Density Residential, 2-3.5 units per acre. The proposed project is consistent with the existing General Plan land use designation for the project site because schools are an allowed use in a residential land use designation. The following General Plan Goals, Objectives and Policies are applicable to the proposed project:

**PUBLIC FACILITY GOAL 2:**            *Support the Fremont Unified School District and other educational institutions to provide quality education to the children and adults of Fremont.*

Analysis: The proposed project is consistent with this goal in that approval of the use permit would indicate support for educational institutions providing quality education to the children of Fremont.

**Policy Land Use 1.1:**            *The following list of allowed uses in areas designated for residential is descriptive rather than fully inclusive. Other uses may be allowed which achieve the intent of the plan as described in the goals and objectives and in the design and development policies.*

*Residential, Schools, Childcare Centers, Public and Semi-Public Facilities (i.e. churches) and Nursing Care Facilities.*

Analysis: The project is consistent with this policy because the General Plan allows schools in residential districts with appropriate review and approval of a conditional use permit.

***Zoning Regulations:***

As set forth in Section 8-2603 of the Fremont Municipal Code (FMC), the proposed secondary school is allowed in the R-1-20(H-I) district subject to a Conditional Use Permit. The existing structure that will accommodate the proposed school meets the development standards set forth in the Zoning Ordinance.

Parking:

Junior high or secondary schools require one parking space per employee. The school is proposed to have five employees, three teachers, an administrator and a clerk/bus driver. Therefore, five parking spaces are required. A total of seven parking spaces are proposed including one handicap accessible space and one guest space. Since this is a secondary school, it may also be appropriate to include a bike rack to the 155 Washington Boulevard Campus so students can ride their bikes and then be transported up to the 750 Witherly Campus (Condition A-24).

Noise:

The applicant has submitted a Noise Assessment Study to analyze potential noise impacts to nearby properties from the sports court. The Study assesses children playing various activities on the sports court which is located approximately 130 feet from the north property line and 120 feet to the west property line. The distance to the actual residences is much greater, up to 225 feet. The existing house is also positioned between the sports court and adjacent residences to buffer potential noise. The study concludes that the project generated noise will increase the existing noise level at each property line by 1 decibel. This would result in a cumulative noise exposure of 50 decibels at the north property line and 51 decibels at the west property line. The General Plan guidelines for noise exposure allow up to 60 decibels for residential and schools uses. Thus, the increase in noise levels of 50 and 51 decibels caused by the project is considered acceptable.

***Design Analysis:***

Site Planning:

The site plan for the existing single-family residence is not proposed to be altered except for the parking area. The parking area, which currently exists, will be slightly altered to accommodate the seven parking spaces, including the handicap accessible space. An accessible path of travel from the parking space to the building will also be installed.

Fencing:

The site currently has an exiting open wire fence along the property boundaries. Additional fencing may be appropriate in certain locations to prevent students from approaching adjacent properties which contain horses. Further, fencing around the sport court may also be appropriate to prevent balls and other items from rolling down the hillside. The applicant will be required to provide a fencing plan to staff during the Development Organization review (Condition A-23).

*View Impacts:*

The existing site is improved with a single-family house that will be converted into a school. No exterior improvements are proposed that would impact views of surrounding properties.

*Circulation/Access:*

Access to the site was formerly provided by Witherly Lane and is now provided by Anza-Pine Street. When Ohlone College constructed Anza-Pine Street, access via Witherly Lane was eliminated. However, access easements were granted to the property owners for access to their site. Approval of this Conditional Use Permit is subject to the applicant receiving an acceptable access easement from the College allowing access to a secondary school (Condition A-22).

The proposed shuttle bus service to transport students from 155 Washington Boulevard to 750 Witherly Lane appears to be a feasible method to lessen the traffic impact to Witherly Lane. The parking lot at 155 Washington Boulevard contains a pick-up/drop-off lane that allows vehicles to enter and exit the site without the need to back up. Forty parking spaces exist in this lot, but none are anticipated to be used by parents dropping off their children. The facility at 155 Washington Boulevard contains a lobby area that would allow students to wait for the bus to 750 Witherly Lane. The hours of operation for the existing school are 7:00 am to 6:00 pm, the same as the proposed school, however, the applicant has indicated varying drop-off and pick-up times for students to minimize parents arriving at the same time.

Staff feels it is possible that some parents, due to reasonable accommodation of students and other unforeseen circumstances, may occasionally drop-off or pick-up students directly from 750 Witherly Lane. However, these situations would be limited as long as the operators of the school continually enforce the shuttle bus system (Condition #7). Overall, staff is supportive of this proposal.

*Environmental Review:*

This project is categorically exempt from CEQA per Section 15332, In-Fill Development Projects, in that the project is consistent with the General Plan land use, it occurs within City limits on a site no more than 5 acres, the site is adequately served by all utilities and would not result in significant effects to traffic, noise, air quality or water quality.

**PUBLIC NOTICE AND COMMENT:**

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Public hearing notification is applicable. A total of 15 notices were mailed to owners and occupants of property within 300 feet of the site. The notices to owners and occupants were mailed on January 27, 2006. A Public Hearing Notice was published by The Argus on January 26, 2006.

Staff has received two letters from adjacent neighbors opposed to the proposed school. These letters are enclosed as informational items.

**ENCLOSURES:**

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*Exhibits:*

- Exhibit "A" Site Plan, Floor Plan, Elevations
- Exhibit "B" Findings and Conditions of Approval

***Informational Items:***

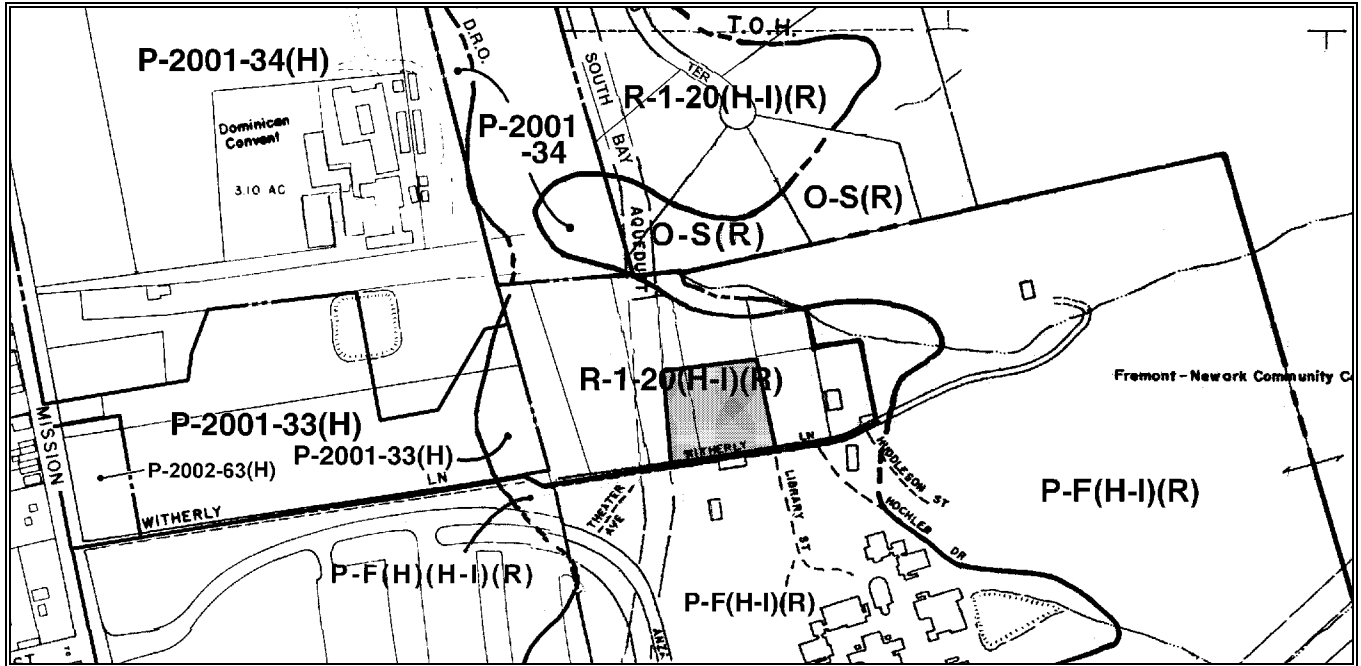
1. Applicant Statement of Operations
2. Letter of Support from Ohlone College
3. Letter of Opposition from Neighbor
4. Letter of Opposition from Neighbor

**RECOMMENDATION:**

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1. Hold public hearing.
2. Find Conditional Use Permit, PLN2005-00184, is in conformance with the relevant provisions contained in the City's existing General Plan. These provisions include the designations, goals and policies set forth in the General Plan's Public Facilities and Land Use Chapters as enumerated within the staff report.
3. Approve Conditional Use Permit, PLN2005-00184, as shown on Exhibit "A", subject to findings and conditions on Exhibit "B".

**Existing Zoning**  
Shaded Area represents the Project Site



**Existing General Plan**



## **EXHIBIT "B"**

### **Alsion Montessorri PLN2005-00184**

#### **FINDINGS FOR APPROVAL:**

The findings below are made on the basis of information presented at the public hearing contained in the staff report to the Planning Commission dated February 9, 2006, incorporated herein.

1. The proposed use is consistent with the General Plan of the City of Fremont because the educational/school use is permitted with a conditional use permit approval on property designated as residential on the Fremont General Plan.
2. The proposed use would not have a substantial adverse effect on vehicular (including bicycle) or pedestrian circulation or safety, on transit accessibility, the planned level of service of the street system or on other public facilities or services because points of ingress-egress are properly located, right-of-way improvements are in place, pedestrian access and the shuttle bus system will be used to transport students to and from school, limiting the impact of individual vehicles.
3. The proposed use would not be detrimental to the general welfare of persons residing in the immediate vicinity, the neighborhood or the community at large because the proposed use is designed in a manner to be compatible with the surrounding uses, and would not create nuisances or degrade the environment.
4. The site is suitable and adequate for the proposed use because it is conditionally permitted within the zoning district and is large enough to accommodate the school.
5. The proposed use would not have a substantial adverse economic effect on nearby uses because the specific nature of this use as a private secondary school is conditionally permitted in a residential zoning district and is not adjacent to similar uses.

#### **CONDITIONS OF APPROVAL:**

- A-1. This Conditional Use Permit, PLN2005-00184, approves a Montessori secondary school for up to 40 students, ages 12-15 located at 750 Witherly Lane.
- A-2. Hours of operation for the school shall be 7:00 am to 6:00 pm Monday through Friday. No activity shall occur at the school prior to or after these hours, or on the weekends. Parent/teacher conferences and other special events shall take place at the 155 Washington Boulevard campus.
- A-3. The project shall conform to Exhibit "A" (Site Plan, Floor Plans, Elevations). The location of the building, driveways, and parking areas shall be provided as shown on Exhibit "A". Landscaping and walkways shall generally be provided in the amounts and locations as shown on Exhibit "A", provided, however, that minor modifications to the location and design of the proposed building,



landscaping, parking areas and other elements of the above exhibit may be allowed, subject to the review and approval of the Planning Director, if such modifications are in keeping with the architectural design theme.

- A-4. Plans shall be submitted to the **Development Organization** for review to ensure conformance with relevant codes, policies, and other requirements of the Fremont Municipal Code.
- A-5. If the Planning Director finds evidence that conditions of approval have not been fulfilled or that the use or uses has or have resulted in a substantial adverse effect on the health and/or general welfare of users of adjacent or proximate property, or have a substantial adverse impact on public facilities or services, the Planning Director may refer the use permit to the Planning Commission for review. If, upon such review, the Commission finds that any of the results above have occurred, the Commission may modify or revoke the use permit.
- A-6. The operator shall shuttle students to the site from 155 Washington Boulevard, or another site approved by the Planning Director. Should traffic or parking for the proposed project adversely impact public roadways or adjacent uses, the use permit shall be brought back to the Planning Commission for additional review. The Planning Commission may recommend measures to mitigate the adverse effects.
- A-7. Individual drop-off/pick-up shall not be permitted with the exception of reasonable accommodation made for students with physical disabilities, and other unforeseen circumstances. The operator shall continually enforce and encourage the use of the shuttle bus system.
- A-8. This project and subsequent building permit approval shall be subject to all requirements of the 2001 California Fire Code, all local amendments to that code in Ordinance #2485, including all hazardous fire area requirements. This facility shall comply with all requirements of the Fire Department prior to occupancy of the building with regard to fire safety, including, but not limited to, the installation of an automatic fire extinguishing system (AFES), fire alarm and smoke detection system with 24 hour monitoring and special panic hardware for doors.
- A-9. The applicant shall maintain a trash and recycling enclosure for the school and shall provide a cover for the enclosure. No other area shall drain to the enclosed area. Trash enclosures are to be designed to accommodate any City-mandated recycling facilities, subject to review and approval of staff during the Development Organization review process. Trash and recyclables enclosure areas shall be maintained free of litter and any other undesirable materials. Recyclable materials shall not be allowed to accumulate such that a visual or public health and safety nuisance is created.
- A-10. The applicant shall submit a Demolition and Construction Debris Plan and Report to the Environmental Services Department prior to demolition permit and/or building permit issuance.
- A-11. Lighting for the sports court will not be permitted.
- A-12. A landscape plan shall be submitted to the Development Organization for review and approval, indicating full details regarding (1) paving materials and textures of walkways and paved

pedestrian areas, (2) lighting of walkways and pedestrian areas with low intensity non-glare type fixtures, (3) screening of driveways and parking areas, and (4) landscaping of open areas.

- A-13. All provisions of the City of Fremont Landscape Development Requirements and Policies (LDRP) shall apply to this project unless otherwise approved by the City Landscape Architect.
- A-14. Landscaping shall be designed to minimize irrigation and runoff, promote surface infiltration where appropriate, and minimize the use of fertilizers and pesticides that can contribute to stormwater pollution.
- A-15. Driveway and travel aisles shall be provided with adequate width and turning radii to provide unobstructed access for trash, recycling collection and emergency vehicles.
- A-16. The site circulation and parking shall be further reviewed for conformance with Article 20 of the Fremont Municipal Code during Development Organization Review and approval.
- A-17. Any signage will be subject to the separate review of the Development Services staff and shall follow the requirements as set forth in the Fremont Municipal code, Article 21, Sign Regulation. The applicant shall apply to Development Services for the appropriate permits.
- A-18. The project may be subject to Citywide Development Impact Fees. The fees include fire protection, capital facilities and traffic impact. The fees shall be calculated at the rate in effect at the time of building permit issuance. The fees will be collected at time of building permit issuance.
- A-19. Any fee, dedication, reservation or other exaction shall be deemed imposed on the date this application was deemed complete for processing (December 15, 2005).
- A-20. The applicant shall be hereby notified that the 90-day period in which the applicant may protest these fees, dedications, reservations, and other exactions pursuant to Government Code Section 66020(a) begins on the date of approval. If the applicant fails to file a protest within this 90-day period complying with all of the requirements of Government Code Section 66020, it will be legally barred from later challenging such exactions.
- A-21. The City of Fremont shall promptly notify the applicant of any claim, action, or proceeding to attach, set aside, void, or annul its approval and shall cooperate fully in the defense thereof.
- A-22. The applicant shall secure an access easement from Ohlone College for the use of the property as a school, subject to review and approval by the City of Fremont.
- A-23. Sport court and property fencing will be required subject to further review and approval of staff during the Development Organization.
- A-24. The owner/operator shall install a bike rack for student use at the 155 Washington Boulevard campus.

**Conditions to be Complied with During Construction:**

B-1. Construction hours will be limited in accordance with Section 8-2205 of the Fremont Municipal Code, and notes to this effect shall be placed on the cover sheet of the construction plans as follows:

- a. Monday-Friday, 7 a.m. to 7 p.m.
- b. Saturday & Holiday, 9 a.m. to 6 p.m.
- c. Sunday, no construction activity allowed

A sign shall be posted on site conspicuously displaying the construction hours.

B-2. The applicant is responsible for insuring that all contractors are aware of all storm water quality measures.

**Operational Maintenance:**

C-1. The property owner/operator is responsible for contracting with recycling brokers for regular pick-up of recyclable materials. Recyclable materials should not be allowed to accumulate such that visual or public health or safety nuisance is created.

C-2. The property owner/operator shall be responsible for litter control and sweeping of all on-site paved surfaces. Any on-site storm drains are to be cleaned immediately before the commencement of the rainy season (October 15).

C-3. The property owner/operator is responsible for the maintenance of all landscaping, and landscaping shall be designed with efficient irrigation to reduce runoff and promote surface filtration and to minimize the use of fertilizers, herbicides and pesticides which can contribute to urban runoff pollution.